

ESTTA Tracking number: **ESTTA736334**

Filing date: **03/29/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060029
Party	Plaintiff Jahn & Associates, LLC
Correspondence Address	KIRSTIN M JAHN JAHN & ASSOCIATES LLC 1942 BROADWAY , SUITE 314 BOULDER, CO 80304 UNITED STATES Kirstin@jahnlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Kirstin M. Jahn
Filer's e-mail	Kirstin@jahnlaw.com
Signature	/kmj/
Date	03/29/2016
Attachments	Notice of Reliance.pdf(5720947 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of the Cancellation for Registration of: BIG FIRM EXPERIENCE, SMALL FIRM SERVICE; Registration Number: 4015965; Filing Date: February 1, 2011.

JAHN & ASSOCIATES, LLC  
Petitioner

v.

MELVIN N.A. AVANZADO  
Respondent.

**CANCELLATION NO 92060029**

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**PETITIONER'S NOTICE OF RELIANCE**

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Petitioner submits the documentary evidence it will rely upon at Trial as set forth below and as attached hereto. TBMP ¶¶ 702 and 704.

**OFFICIAL RECORDS**

<b><i>Ex. No.</i></b>	<b><i>Description</i></b>	<b><i>Purpose</i></b>
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1	Certificate of registration for SMALL FIRM, BIG EXPERIENCE trademark Reg. No.3642830 and Application	Petitioner's Registered Trademark which will be confused by Respondent's Mak FRE §401, 402,901
2	Certificate of registration for BIG FIRM EXPERIENCE...SMALL FIRM SERVICE trademark Reg. No. 4015965 - Respondent's registration which is basis for cancellation	Respondent's registration which is likely to be confused with Petitioner's registration FRE §401,402, 901
3	Print out of TESS search results for the term "Small Firm Big Experience"	Print out on TESS when search term is entered for Plaintiff's mark where Respondent's mark shows up first. FRE §401, 402,901

4	Print out of TESS search results for the term "Big Firm Experience...Small Firm Service"	Print out on TESS when search term is entered for Respondent's mark showing Respondent's mark shows up first. FRE §401, 402,901
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**RESPONDENT'S RESPONSES TO PETITIONER'S  
DOCUMENT REQUESTS AND ADMISSIONS**

*Ex. No.*                      *Description*                                      *Purpose*

5	Respondent's Response to Petitioner's First Set of Request for Admissions	Respondent did not use its mark on the date specified in its declaration for application to register its mark. FRE §401, 402
6	Respondent's Response to Petitioner's First and Second Set of Request for Production of Documents and Documents provided thereto	No documents responsive to Petitioner's Requests 19 and 20 were provided. FRE §401, 402

DATED: March 29, 2016

**JAHN & ASSOCIATES, LLC**

s/Kirstin M. Jahn  
1942 Broadway Suite 314  
Boulder, CO 80302  
303-545-5128  
[Kirstin@jahnlaw.com](mailto:Kirstin@jahnlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that the above referenced document was sent to Respondent via email per agreement between the parties on March 29, 2016 addressed to:

Elaine@avanzadolaw.com  
Elaine Yu  
Melvin N.A. Avanzado  
1880 Century Park East  
Suite 1100  
Los Angeles, CA 90067

s/Kirstin M. Jahn

EXHIBIT 1  
(Official Records)

# Trademark/Service Mark Application, Principal Register

Serial Number: 77613824

Filing Date: 11/13/2008

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77613824
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="#">SMALL FIRM, BIG EXPERIENCE</a>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	SMALL FIRM, BIG EXPERIENCE
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Jahn & Associates, LLC
<b>*STREET</b>	1942 Broadway Suite 314
<b>*CITY</b>	Boulder
<b>*STATE (Required for U.S. applicants)</b>	Colorado
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE (Required for U.S. applicants only)</b>	80302
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	corporation

<b>STATE/COUNTRY OF INCORPORATION</b>	Nevada
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	
<b>* IDENTIFICATION</b>	Legal services.
<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 10/31/2001
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 10/31/2001
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">spec-7123794224-150407333_._Flyer.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT4\IMAGEOUT4\776\138\77613824\xml1\APP0003.JPG</a>
	<a href="#">\\TICRS\EXPORT4\IMAGEOUT4\776\138\77613824\xml1\APP0004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Use of mark in connection with services
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Kirstin M. Jahn
<b>FIRM NAME</b>	Jahn & Associates, LLC
<b>STREET</b>	1942 Broadway
<b>INTERNAL ADDRESS</b>	Suite 314
<b>CITY</b>	Boulder
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	80302
<b>PHONE</b>	303-545-5128
<b>EMAIL ADDRESS</b>	Kirstin@kmjlaw.com
<b>AUTHORIZED TO</b>	

<b>COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Kirstin M. Jahn
<b>FIRM NAME</b>	Jahn & Associates, LLC
<b>STREET</b>	1942 Broadway
<b>INTERNAL ADDRESS</b>	Suite 314
<b>CITY</b>	Boulder
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	80302
<b>PHONE</b>	303-545-5128
<b>EMAIL ADDRESS</b>	Kirstin@kmjlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/kmj/
<b>SIGNATORY'S NAME</b>	Kirstin M. Jahn
<b>SIGNATORY'S POSITION</b>	Owner
<b>DATE SIGNED</b>	11/13/2008

---



## Trademark/Service Mark Application, Principal Register

**Serial Number: 77613824**

**Filing Date: 11/13/2008**

### To the Commissioner for Trademarks:

**MARK:** SMALL FIRM, BIG EXPERIENCE (Standard Characters, see [mark](#))

The literal element of the mark consists of SMALL FIRM, BIG EXPERIENCE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Jahn & Associates, LLC, a corporation of Nevada, having an address of

1942 Broadway Suite 314

Boulder, Colorado 80302

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class \_\_\_\_: Legal services.

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class \_\_\_\_, the mark was first used at least as early as 10/31/2001, and first used in commerce at least as early as 10/31/2001, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Use of mark in connection with services.

### Original PDF file:

[spec-7123794224-150407333\\_.Flyer.pdf](#)

### Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

The applicant hereby appoints Kirstin M. Jahn of Jahn & Associates, LLC

Suite 314

1942 Broadway

Boulder, Colorado 80302

United States

to submit this application on behalf of the applicant.

Correspondence Information: Kirstin M. Jahn

Suite 314  
1942 Broadway  
Boulder, Colorado 80302  
303-545-5128(phone)  
Kirstin@kmjlaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /kmj/ Date Signed: 11/13/2008  
Signatory's Name: Kirstin M. Jahn  
Signatory's Position: Owner

RAM Sale Number: 340  
RAM Accounting Date: 11/14/2008

Serial Number: 77613824  
Internet Transmission Date: Thu Nov 13 15:14:02 EST 2008  
TEAS Stamp: USPTO/BAS-71.237.94.224-2008111315140280  
0785-77613824-400bef623e2ad5d219d82aa4f8  
c57e36e67-CC-340-20081113150407333427

SMALL FIRM, BIG EXPERIENCE

# JAHN&ASSOCIATES

SMALL FIRM, *BIG EXPERIENCE*™

Patent

Trademark

Copyright

Law

*Do you know the difference between a trademark and a trade name?*

What about a common law trademark and a federal trademark? If you've answered 'no' or even 'sort of' then you're like countless business owners and managers. But don't worry! Working through this handout will help you become comfortable with this differentiation. What's more, you'll have a clear picture of your next steps toward protecting your business, brand and product names.

The case history below describes events that hundreds of businesses have experienced. Most important, it outlines a serious reality about intellectual property: without the proper trademark registration in place, the hard work that folks like you invest in your dreams and ideas can be jeopardized.

## Case History

### Purple Sun, Inc.

In 1995, Bob and Linda Jones founded Purple Sun, Inc. and began making Purple Sun Lemonade. By their measure, success came quickly. Deep roots in the local natural foods industry helped to get their product into stores quickly. Several great employees and a little luck didn't hurt, either.

By 1999, they had 23 employees and Purple Sun Lemonade was a favorite in stores all over Boulder and the surrounding area. So good was their lemonade that they regularly fielded calls from folks who had tried it out while visiting Boulder. Again and again they heard, "When are you going to sell your lemonade in our area?"

Being astute entrepreneurs, they soon realized two things. Without really trying they had developed a quality brand whose reputation had grown beyond their home turf. If they wanted to expand their business to match the growth of their reputation, now was the time.

The dream of growing their business spread like wildfire through the company. Soon Bob and Linda were strategizing on how to make it happen. They negotiated with distributors, mapped out production and planned a national ad campaign. Then Bob asked a simple question. "What about a trademark - shouldn't we have one?"

"Isn't that what we got when we applied for our trade name," was Linda's reply. By now you've probably guessed the answer. After a quick search they discovered that in 1997, another company had filed a federal trademark application for Purple Sun Lemonade. All Bob and Linda "owned" were common law rights in the Purple Sun trademark and a trade name. Suddenly the founders of Purple Sun, Inc. were faced with a hard decision: go national by changing their product name - and in the process losing the brand recognition entrenched in their home territory - or scrap their expansion plans. Could this have been prevented? The answer is **YES**.

## In Plain English

**Trademark:** A trademark identifies and protects a specific product or service. A good way to think about a trademark is that it is an *adjective* (identifier) modifying a *noun* (product or service).

Examples are *Purple Sun* lemonade, *Apple* computers, and *Pepsi* cola.

**Common Law Trademarks:** A trademark can be used without obtaining a federal or state registration. This is known as "common law" use of a trademark and is often noted by the ™ symbol. It protects a product according to where and when the mark is first used.

Purple Sun, Inc. had a common law mark that protected use of their product within the Boulder Valley area. Since a federal mark for the same name belonged to another company, Bob and Linda were limited to using the mark within their home territory.

**Trade Name:** A trade name is the name applied for, through the state, that is needed to conduct business in the state.

When Bob and Linda began Purple Sun, Inc. they received a **trade name** through the tax division of the state of Colorado - they did not receive a trademark.

**Federal Trademark Registration:** A United States trademark registration - designated by the superscript ® - provides the owner with the right to use the mark with their product or service. These rights apply to use within the United States and its territories for a period of ten years. The owner has rights to renew the mark so long as it remains in continuous use in interstate commerce.

The exception to this is highlighted by the Purple Sun case history. The competitor that filed the federal mark for the same name gained rights to use it in all places except for Boulder and the surrounding area.

## Small Firm, Big Experience

With locations in Reno, Nevada and Boulder, Colorado, Jahn & Associates is a boutique firm focused exclusively on intellectual property law. Although many firms include this specialty in their list of practice areas, very few can claim it as a sole concentration.

Jahn & Associates draws upon a decade of experience that began with general practice, including civil litigation, corporate and securities law. Today, their concentration on intellectual property law includes patents, trademarks, copyrights and trade secrets. The firm has been kept small, which makes a lot of sense when their clients sit down to consult with them. It isn't only that one-on-one conversations include the unique perspectives of the small business. It's that, on a day-to-day basis, Jahn & Associates is a small firm drawing upon big experience. For their clients - and folks like you - this means big value with a small price tag.

## Kirstin M. Jahn, Attorney at Law

In 1997, Kirstin Jahn founded Jahn & Associates and dedicated herself to serving the intellectual property needs of small and medium-sized organizations. After ten years of practicing law, she runs a practice that emphasizes quality and efficiency. No matter is too large or small. With associates in firms all around the globe, she has successfully served clients' needs domestically and internationally. Experience has shown Kirstin that clients often prefer a peaceful resolution to disputes and she makes every effort to negotiate successfully before engaging in litigation. Because she focuses her practice solely on intellectual property, a conflict of interest rarely arises between her firm and an organization's corporate representation. In fact, in the majority of these situations the two firms work together toward a resolution to meet the needs of their joint client.

For further information regarding your trademark and other intellectual property needs, please call Jahn & Associates at (303)545-5128 in Boulder, Colorado or (775)329-2282 in Reno, Nevada. You can discover more about her firm on the web at [www.kmjlaw.com](http://www.kmjlaw.com).



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Nevada

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Reno, Nevada 89509  
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fax (775)348.7977



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**SMALL FIRM, BIG EXPERIENCE****Word Mark** **SMALL FIRM, BIG EXPERIENCE****Goods and Services** IC 045. US 100 101. G & S: Legal services. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK
**Trademark Search Facility Classification Code** NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks

<b>Serial Number</b>	77613824
<b>Filing Date</b>	November 13, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 7, 2009
<b>Registration Number</b>	3642830
<b>Registration Date</b>	June 23, 2009
<b>Owner</b>	(REGISTRANT) Jahn & Associates, LLC LIMITED LIABILITY COMPANY NEVADA 1942 Broadway Suite 314 Boulder COLORADO 80302
<b>Attorney of Record</b>	Kirstin M. Jahn
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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# EXHIBIT 2

## (Official Records)





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**BIG FIRM  
EXPERIENCE...SMALL FIRM  
SERVICE**

<b>Word Mark</b>	<b>BIG FIRM EXPERIENCE...SMALL FIRM SERVICE</b>
<b>Goods and Services</b>	IC 045. US 100 101. G & S: Litigation services. FIRST USE: 20080301. FIRST USE IN COMMERCE: 20080301
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85231879
<b>Filing Date</b>	February 1, 2011
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 7, 2011
<b>Registration Number</b>	4015965
<b>Registration Date</b>	August 23, 2011

<b>Owner</b>	(REGISTRANT) Melvin N.A. Avanzado DBA The Avanzado Law Firm Melvin N. A. Avanzado - U.S. Citizen SOLE PROPRIETORSHIP CALIFORNIA 1880 Century Park East; Suite 1404 Los Angeles CALIFORNIA 90067
<b>Attorney of Record</b>	Glenn Truitt
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>			

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# EXHIBIT 3

## (Official Records)



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23

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85231879	4015965	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE	TSDR	LIVE
2	77613824	3642830	SMALL FIRM, BIG EXPERIENCE	TSDR	LIVE

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EXHIBIT 4  
(Official Records)



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[Submit](#)**Current Search:** S2: (Big firm experience small firm ) [COMB] docs: 2 occ: 23

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85231879	4015965	BIG FIRM EXPERIENCE...SMALL FIRM SERVICE	TSDR	LIVE
2	77613824	3642830	SMALL FIRM, BIG EXPERIENCE	TSDR	LIVE

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# EXHIBIT 5

(Respondent's Responses to Petitioner's Request for Admissions)

1 **THE AVANZADO LAW FIRM**

2 MELVIN N.A. AVANZADO (Bar No. 137127)

<mel@avanzadolaw.com>

3 ELAINE W. YU (Bar No. 280008)

<elaine@avanzadolaw.com>

4 1880 Century Park East

Suite 1100

5 Los Angeles, California 90067

6 310.552.9300 TELEPHONE

310.388.5330 FACSIMILE

7 Attorneys for Defendant

8 Melvin N.A. Avanzado

9 UNITED STATES PATENT AND TRADEMARK OFFICE

10 TRIAL AND APPEAL BOARD

11  
12 JAHN & ASSOCIATES, a Limited Liability  
13 Corporation,

14 Plaintiff,

15 v.

16 MELVIN N.A. AVANZADO, an  
17 individual,

18 Defendant.

CANCELLATION NO. 92060029  
REGISTRATION NO. 4015965

DEFENDANT AND RESPONDENT  
MELVIN N.A. AVANZADO'S  
RESPONSES TO PLAINTIFF'S FIRST  
SET OF REQUESTS FOR ADMISSION

Petition Filed: September 23, 2014

19  
20 PROPOUNDING PARTY: Plaintiff Jahn & Associates, LLC

21 RESPONDING PARTY: Defendant Melvin N.A. Avanzado

22 SET NO.: One (1)



1 Defendant and Respondent Melvin N.A. Avanzado (“Avanzado” or  
2 “Defendant” or “Respondent”) hereby provides his responses to the first set of requests  
3 for admission propounded by Plaintiff Jahn & Associates, LLC (“Jahn” or “Plaintiff”).

4 **GENERAL OBJECTIONS**

5 1. Avanzado objects to the definitions “RESPONDENT,” “YOU” and  
6 “YOUR” on the grounds that they are overbroad, unduly burdensome and potentially  
7 encompasses documents and communications protected from disclosure by the  
8 attorney-client privilege and the attorney work product doctrine.

9 **RESPONSES TO REQUESTS FOR ADMISSION**  
10 **REQUEST FOR ADMISSION NO. 1:**

11 Respondent’s trademark Registration Number 4015965 was not used on  
12 or before March 1, 2008.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

14 Avanzado objects to this interrogatory on the ground that it is premature  
15 and unduly burdensome since Plaintiff has failed to comply with its initial disclosure  
16 obligations and discovery is just commencing. Avanzado further objects to this  
17 request for admission on the ground that, at this stage in the litigation, it calls for  
18 information protected by the attorney-client privilege and the work-product doctrine.  
19 Avanzado further objects to this request for admission on the grounds that it is vague  
20 and ambiguous as it fails to define “used,” thus making this request for admission  
21 overbroad and unduly burdensome.

22 Subject to and without waiving the foregoing general and specific  
23 objections to this interrogatory, Avanzado responds as follows:

24 Avanzado believes that Respondent’s Trademark application contains a  
25 typographical error in the portion of the application that states that Respondent’s  
26 Trademark was first used “[a]t least as early as 03/01/2008.” The Avanzado Law Firm  
27 – for which Respondent’s Trademark was created, used and received trademark  
28

1 registration– was not formed until about July 2008. Avanzado believes that the first  
2 use of Respondent’s Trademark was likely March 2009 or slightly thereafter.

3 Avanzado admits that he did not use trademark Registration Number  
4 4015965 on or before March 1, 2008. As discovery is still ongoing, Avanzado  
5 reserves the right to amend his response to this request for admission to reflect any  
6 additional information which he may discover.

7 DATED: March 11, 2015

THE AVANZADO LAW FIRM

8  
9  
10 By: 

11 Elaine W. Yu

12 Attorneys for Defendant and Respondent  
13 Melvin N.A. Avanzado  
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**VERIFICATION**

I, Melvin N.A. Avanzado, declare as follows:

I have read the foregoing document entitled DEFENDANT AND  
RESPONDENT MELVIN N.A. AVANZADO'S RESPONSES TO PLAINTIFF'S  
FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY PLAINTIFF  
JAHN & ASSOCIATES, LLC

The factual answers stated therein are true and correct of my own  
knowledge, except as to those matters therein which are stated on information and  
belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the United States that  
the foregoing is true and correct.

Executed this 11th day of March, 2015 in the city of Los Angeles,  
California.



Melvin N.A. Avanzado

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over  
3 the age of 18 years and am not a party to the within action. My business address is 1880  
4 Century Park East, Suite 1100, Los Angeles, California 90067. On the date set forth below, I  
caused the foregoing document(s) described as

5 **DEFENDANT AND RESPONDENT MELVIN N.A. AVANZADO'S**  
6 **RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR**  
**ADMISSION PROPOUNDED BY PLAINTIFF JAHN & ASSOCIATES, LLC**

7 to be served on the interested parties in this action by placing ☐ the original ☒ a true copy  
8 thereof enclosed addressed as stated below:

9 Kirstin M. Jahn  
10 Jahn & Associates, LLC  
11 1942 Broadway, Suite 314  
Boulder, Colorado 80302  
<kirstin@jahnlaw.com>

- 12 ☒ **BY MAIL:** I sealed and placed such envelope for collection and mailing to be  
13 deposited in the mail on the same day in the ordinary course of business at Los  
14 Angeles, California. The envelope was mailed with postage thereon fully prepaid. I  
am readily familiar with this firm's practice of collecting and processing  
correspondence for mailing. It is deposited with the U.S. Postal Service on that same  
day in the ordinary course of business.
- 15 ☐ **BY OVERNIGHT COURIER:** I caused such envelope to be placed for collection  
16 and delivery on this date in accordance with standard \_\_\_\_\_ delivery  
procedures.
- 17 ☐ **BY FAX:** In addition to service by mail, I transmitted a copy of the foregoing  
18 document(s) this date via telecopier to the facsimile numbers shown above.
- 19 ☐ **BY ELECTRONIC MAIL:** I personally delivered such envelope by electronic mail  
to the addressee(s) shown above.
- 20 ☐ **BY PERSONAL SERVICE:** I personally delivered such envelope by hand to the  
21 addressee(s) shown above.
- 22 ☐ [State] I declare under penalty of perjury under the laws of the State of California  
that the above is true and correct.
- 23 ☒ [Federal] I declare that I am employed in the office of a member of the Bar of this  
24 Court at whose direction the service was made. I declare under penalty of  
perjury that the foregoing is true and correct.

25 Executed on March 11, 2015 at Los Angeles, California.

26   
27 Elaine W. Yu  
28

# EXHIBIT 6

(Respondent's Responses to Petitioner's Request for Production  
of Documents Nos. 19 and 20)

1 **THE AVANZADO LAW FIRM**

2 MELVIN N.A. AVANZADO (Bar No. 137127)

3 <mel@avanzadolaw.com>

4 ELAINE W. YU (Bar No. 280008)

5 <elaine@avanzadolaw.com>

6 1880 Century Park East

7 Suite 1100

8 Los Angeles, California 90067

9 310.552.9300 TELEPHONE

10 310.388.5330 FACSIMILE

11 Attorneys for Defendant

12 Melvin N.A. Avanzado

13 UNITED STATES PATENT AND TRADEMARK OFFICE  
14 TRIAL AND APPEALS BOARD

15 JAHN & ASSOCIATES, a Limited Liability  
16 Corporation,

17 Plaintiff,

18 v.

19 MELVIN N.A. AVANZADO, an  
20 individual,

21 Defendant.

CANCELLATION NO. 92060029  
REGISTRATION NO. 4015965

DEFENDANT AND RESPONDENT  
MELVIN N.A. AVANZADO'S  
RESPONSES TO PLAINTIFF'S  
SECOND SET OF REQUESTS FOR  
PRODUCTION

Petition Filed: September 23, 2014

22 PROPOUNDING PARTY: Plaintiff Jahn & Associates, LLC

23 RESPONDING PARTY: Defendant Melvin N.A. Avanzado

24 SET NO.: Two (2)

1 Defendant and Respondent Melvin N.A. Avanzado (“Avanzado” or  
2 “Defendant” or “Respondent”) hereby provides his responses to the second set of  
3 requests for production (the “Requests”) propounded by Plaintiff Jahn & Associates,  
4 LLC (“Jahn”).

5 **GENERAL OBJECTIONS**

6 1. Avanzado objects to the Requests on the grounds that Plaintiff has  
7 failed to complete its initial disclosures pursuant to Rule 26 and has not produced any  
8 documents required therein. Avanzado further objects to these Requests on the ground  
9 that Plaintiff has failed to comply with its disclosure obligations under Rule 26.  
10 Avanzado reserves the right to supplement or amend his responses after Plaintiff has  
11 complied with its obligations under Rule 26.

12 2. Avanzado objects to the definitions “RESPONDENT,” “YOU” and  
13 “YOUR” on the grounds that they are overbroad, unduly burdensome and potentially  
14 encompasses documents and communications protected from disclosure by the  
15 attorney-client privilege and the attorney work product doctrine.

16 **RESPONSES TO REQUESTS FOR PRODUCTION**

17 **REQUEST NO. 19:**

18 All specimens showing Respondent’s first use in commerce of  
19 Respondent’s trademark.

20 **RESPONSE TO REQUEST NO. 19:**

21 Avanzado objects to this Request on the ground that it is overbroad,  
22 unduly burdensome, not reasonably calculated to lead to the discovery of admissible  
23 evidence and potentially encompasses documents and communications protected from  
24 disclosure by the attorney-client privilege and the attorney work product doctrine.  
25 Further, Avanzado objects to this Request on the basis that it seeks information that is  
26 publically available – and thus equally available to the requesting party.

27 Moreover, this Request is encompassed by – and therefore duplicative of  
28 – of Jahn’s Request for Production No. 2.

1 Subject to and without waiving the foregoing general and specific  
2 objections to this Request, Avanzado responds as follows:

3 Avanzado believes that Respondent's Trademark application contains a  
4 typographical error in the portion of the application that states that Respondent's  
5 Trademark was first used "[a]t least as early as 03/01/2008." The Avanzado Law Firm  
6 – for which Respondent's Trademark was created, used and received trademark  
7 registration– was not formed until about July 2008. Avanzado believes that the first  
8 use of Respondent's Trademark was likely March 2009 or slightly thereafter.

9 Subject to and without waiving the foregoing general and specific  
10 objections to this Request, Avanzado responds as follows:

11 Avanzado produced documents bates numbered MNAA\_TM\_000001  
12 through 000055 on or about January 29, 2015 that are responsive to this Request  
13 insofar as the first use of Respondent's Trademark was March 2009 or slightly  
14 thereafter. Avanzado produces documents bates numbered MNAA\_TM\_000056  
15 through 000126 that are responsive to this Request insofar as the first use of  
16 Respondent's Trademark was March 2009 or slightly thereafter. As discovery is still  
17 ongoing, Avanzado will continue to look for documents potentially responsive to this  
18 Request. If Avanzado locates any other responsive documents, Avanzado will amend  
19 his response to this Request and produce such additional documents which he may  
20 discover.

21 **REQUEST NO. 20:**

22 All documents and things reflecting or referring to any trademark search  
23 conducted by or for Respondent relating to Respondent's trademark. 's trademark (*sic*)  
24 search results relating or referring to Respondent's Trademark, or portions thereof.

25 **RESPONSE TO REQUEST NO. 20:**

26 Avanzado objects to this Request on the ground that it is overbroad,  
27 unduly burdensome, not reasonably calculated to lead to the discovery of admissible  
28 evidence and potentially encompasses documents and communications protected from



1 disclosure by the attorney-client privilege and the attorney work product doctrine.  
2 Further, Avanzado objects to this Request on the basis that it seeks information that is  
3 publically available – and thus equally available to the requesting party.

4 Moreover, Avanzado objects that this Request is vague, ambiguous and  
5 non-sensical as to what is being sought in this Request. Furthermore, this Request is  
6 broad and unlimited as to time and scope as to be an undue burden. In addition, “trade  
7 search” and “trademark search results” are vague and ambiguous phrases as to  
8 meaning and scope.

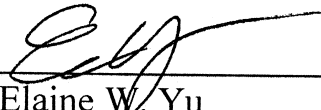
9 Avanzado further objects that this Request is duplicative of Jahn’s  
10 Request for Production No. 5.

11 Subject to and without waiving the foregoing general and specific  
12 objections to this Request, Avanzado responds as follows:

13 Avanzado produced documents bates numbered MNAA\_TM\_000001  
14 through 000055 on or about January 29, 2015 that are responsive to this Request.  
15 Avanzado produces documents bates numbered MNAA\_TM\_000056 through 000126  
16 that are responsive to this Request. As discovery is still ongoing, Avanzado will  
17 continue to look for documents potentially responsive to this Request. If Avanzado  
18 locates any other responsive documents, Avanzado will amend his response to this  
19 Request and produce such additional documents which he may discover.

20 DATED: May 29, 2015

21 **THE AVANZADO LAW FIRM**

22  
23 By:   
24 Elaine W. Yu  
25 Attorneys for Defendant and Respondent  
26 Melvin N.A. Avanzado  
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**VERIFICATION**

I, Melvin N.A. Avanzado, declare as follows:

I have read the foregoing document entitled DEFENDANT AND  
RESPONDENT MELVIN N.A. AVANZADO'S RESPONSES TO PLAINTIFF'S  
SECOND SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY  
PLAINTIFF JAHN & ASSOCIATES, LLC.

The factual answers stated therein are true and correct of my own  
knowledge, except as to those matters therein which are stated on information and  
belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the United States that  
the foregoing is true and correct.

Executed this 29th day of May, 2015 in the city of Los Angeles,  
California.



Melvin N.A. Avanzado

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over  
3 the age of 18 years and am not a party to the within action. My business address is 1880  
4 Century Park East, Suite 1100, Los Angeles, California 90067. On the date set forth below, I  
5 caused the foregoing document(s) described as

6 **DEFENDANT AND RESPONDENT MELVIN N.A. AVANZADO'S  
7 RESPONSES TO SECOND SET OF REQUESTS FOR  
8 PRODUCTION PROPOUNDED BY PLAINTIFF JAHN &  
9 ASSOCIATES, LLC**

10 to be served on the interested parties in this action by placing ☐ the original ☒ a true copy  
11 thereof enclosed addressed as stated below:

12 Kirstin M. Jahn  
13 Jahn & Associates, LLC  
14 1942 Broadway, Suite 314  
15 Boulder, Colorado 80302  
16 <kirstin@jahnlaw.com>

17 ☒ **BY MAIL:** I sealed and placed such envelope for collection and mailing to be  
18 deposited in the mail on the same day in the ordinary course of business at Los  
19 Angeles, California. The envelope was mailed with postage thereon fully prepaid. I  
20 am readily familiar with this firm's practice of collecting and processing  
21 correspondence for mailing. It is deposited with the U.S. Postal Service on that same  
22 day in the ordinary course of business.

23 ☐ **BY OVERNIGHT COURIER:** I caused such envelope to be placed for collection  
24 and delivery on this date in accordance with standard \_\_\_\_\_ delivery  
25 procedures.

26 ☐ **BY FAX:** In addition to service by mail, I transmitted a copy of the foregoing  
27 document(s) this date via telecopier to the facsimile numbers shown above.

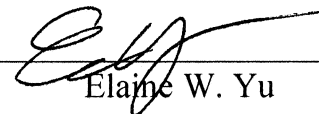
28 ☒ **BY ELECTRONIC MAIL:** I personally delivered such envelope by electronic mail  
to the addressee(s) shown above.

☐ **BY PERSONAL SERVICE:** I personally delivered such envelope by hand to the  
addressee(s) shown above.

☐ [State] I declare under penalty of perjury under the laws of the State of California  
that the above is true and correct.

☒ [Federal] I declare that I am employed in the office of a member of the Bar of this  
Court at whose direction the service was made. I declare under penalty of  
perjury that the foregoing is true and correct.

Executed on May 29, 2015, at Los Angeles, California.

26   
Elaine W. Yu